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7 Attorneys for Plaintiffs and a class of similarly situated employees

8 *[Additional Counsel Continued On Next Page]*

9  
10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**  
12

13 IRMA BARBOSA and CECILIA MATA, on  
behalf of themselves and those similarly  
14 situated,

15 Plaintiffs

16 vs.

17 DELTA PACKING COMPANY OF LODI,  
INC. AKA "DELTA FRESH"; SALINAS  
18 FARM LABOR CONTRACTOR, INC.;  
ERNIE COSTAMAGNA, an individual,  
19 ANNAMARIE COSTAMAGNA, an  
individual, and DOES 1-20  
20

21 Defendants.  
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24  
25  
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Case No. 2:20-cv-01096-TLN-KJN

**STIPULATION AND ORDER TO  
DISMISS DEFENDANT ERNIE  
COSTAGNA WITH PREJUDICE**

Trial Date: Not Set

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6 Attorneys for Defendants, DELTA PACK COMPANY OF LODI, INC.

7 AKA "DELTA FRESH," ERNIE COSTAMAGNA, and

8 ANNAMARIE COSTAMAGNA

**STIPULATION**

NOW THEREFORE, the Parties hereby agree and stipulate, subject to the Court's order, as follows:

1. Defendant **Ernie Costamagna** shall be dismissed as a party to this Action, with all claims as alleged against Ernie Costamagna being dismissed with prejudice;
2. Ernie Costamagna's Motion for Summary Judgment (ECF No. 67) is withdrawn as moot;
3. This stipulated dismissal is not an adjudication on the merits and does not entitle any party to attorneys' fees or costs as a prevailing party or otherwise; and
4. All parties will bear their own attorneys' fees and costs.

**IT IS SO STIPULATED.**

Dated: August 7, 2025

By: /s/ Cody A. Boice  
Stan Mallison  
Hector Martinez  
Cody Bole  
MALLISON & MARTINEZ  
Attorneys for Plaintiffs

Dated: August 7, 2025

By: /s/ Christina Cusimano  
Christina Cusimano  
MCCORMICK, BARSTOW,  
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Attorneys for Defendants

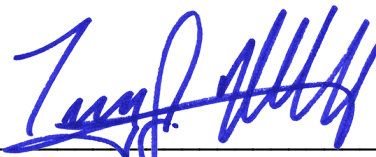
**ORDER**

After consideration of the Stipulation, the Court's file in this action, and good cause appearing the Court orders as follows:

1. Defendant **Ernie Costamagna** shall be dismissed as a party to this Action, with all claims as alleged against Ernie Costamagna being dismissed with prejudice;
2. Ernie Costamagna's Motion for Summary Judgment (ECF No. 67) is withdrawn as moot;
3. This stipulated dismissal is not an adjudication on the merits and does not entitle any party to attorneys' fees or costs as a prevailing party or otherwise; and
4. All parties will bear their own attorneys' fees and costs.

**IT IS SO ORDERED.**

Dated: August 11, 2025

  
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Troy L. Nunley  
Chief United States District Judge